

**REMARKS**

Reconsideration and allowance of the above-referenced application are respectfully requested.

**I. STATUS OF THE CLAIMS**

Claims 1, 3, 4, 16, 17, 18, 29, 37, 39 and 41-43 are amended herein.

In view of the above, it is respectfully submitted that claims 1-45 are currently pending and under consideration.

**II. REJECTION OF CLAIMS 1, 3, 4, 17 AND 18 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 1, 3, 4, 17 and 18 are amended herein.

In view of the above, it is respectfully submitted that the rejection is overcome.

**III. REJECTION OF CLAIMS 1-45 UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER COMBINATIONS OF THE TEACHINGS OF MA, BERGER, SAEKI, TOYOHARA, ITOU, IWATA, TAGA, AND ISHIKAWA**

In the "Conclusion" on page 15 of the Office Action, the Examiner suggested claim limitations that would distinguish the present invention over the cited prior art. Independent claims 1, 16, 29, 37, 39 and 41-43 are amended herein in lieu of the Examiner's suggestions and to overcome the prior art rejections.

Moreover, claims 1, 16, 29, 42 and 43 recite "at least two mutually exclusive wavelength bands, each having at least two channels," "wavelengths of the respective wavelength bands having approximately equal channel powers," and "approximate channel powers of the shorter wavelength band light is greater than approximate channel powers of the longer wavelength band light," which distinguish over the cited prior art. Claims 37 and 41 recite "wherein approximate channel powers of the shorter wavelength band is greater than approximate channel powers of the longer wavelength band," which distinguishes over the cited prior art. Claim 39 recites "wherein approximate channel powers of the respective wavelength bands are greater than approximate channel powers of said longer wavelength band," which distinguishes over the cited prior art.

In view of the above, it is respectfully submitted that the rejection to claims 1-45 is

overcome.

#### IV. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 9-8-03

By: Derrick L. Fields  
Derrick L. Fields  
Registration No. 50,133

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501